

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 MARVIN ALEX,

5 Petitioner,

6 v.

7 HENDERSON DETENTION,

8 Respondent.

Case No. 2:20-cv-02190-JAD-BNW

**Order Dismissing Without Prejudice  
Petitioner Marvin Alex's Petition for Writ  
of Habeas Corpus**

9 *Pro se* Petitioner Marvin Alex filed a petition for writ of habeas corpus under 28 U.S.C.  
10 § 2254<sup>1</sup> seeking release from the Henderson Detention Center where he was in the custody of  
11 U.S. Immigration and Customs Enforcement pending removal.

12 In November 2020, Alex submitted an Application to Proceed *In Forma Pauperis* ("IFP  
13 Application").<sup>2</sup> On January 6, 2021, I denied the IFP Application without prejudice because  
14 Alex used the incorrect form and his IFP application did not contain the appropriate financial  
15 information and documentation required by § 1915(a) and the Local Rules of Practice ("Local  
16 Rules"). I instructed Alex to either pay the \$5.00 filing fee or submit a new IFP application no  
17 later than January 29, 2021.<sup>3</sup> Alex was warned that his failure to timely and fully comply with  
18 the order would "result in the dismissal of this action without prejudice and without further  
19 advance notice."<sup>4</sup>

20 Additionally, Alex failed to keep the court apprised of his current address. The U.S.  
21 Postal Service has returned court mail from the last institutional address provided by Alex with a  
22 notation indicating that he is not in custody at the Henderson Detention Center.<sup>5</sup> Alex was  
23 warned that the Local Rules require all parties, including habeas petitioners, to immediately file  
24

25 <sup>1</sup> ECF No. 1-1.

26 <sup>2</sup> ECF No. 1.

27 <sup>3</sup> See ECF No. 4.

<sup>4</sup> *Id.*

28 <sup>5</sup> See Mail Returned as Not in Custody (ECF Nos. 3, 5).

1 with the court written notice of any change of address and that failure to comply may result in  
2 dismissal of the action. To date, Alex has not filed an IFP Application, resolved the filing fee,  
3 filed a notice of change of address or taken any other action to further prosecute this case. As  
4 this petitioner has failed to comply with my order and with the Local Rules, it is therefore  
5 ordered that this action is dismissed without prejudice.


6 IT IS THEREFORE ORDERED that Petitioner Marvin Alex's Petition for Writ of  
7 Habeas Corpus (ECF No. 1-1) is **dismissed without prejudice**.

8 IT IS FURTHER ORDERED that a certificate of appealability is **denied** as jurists of  
9 reason would not find dismissal of the petition to be debatable or wrong.

10 IT IS FURTHER ORDERED that under Rule 4 of the Rules Governing Section 2254  
11 Cases, the Clerk of the Court will add Nevada Attorney General Aaron D. Ford as counsel for  
12 Respondents and informally serve the Nevada Attorney General by directing a notice of  
13 electronic filing of this order to his office. No response is required from Respondents other than  
14 to respond to any orders of a reviewing court.

15 IT IS FURTHER ORDERED that the Clerk of the Court is directed to **ENTER FINAL**  
16 **JUDGMENT dismissing this action without prejudice, and CLOSE THIS CASE.**

17 Dated: May 21, 2021

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19   
U.S. District Judge Jennifer A. Dorsey